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**FAX MESSAGE**

DATE: February 26, 2002

No. OF PAGES (INCLUDING THIS PAGE): 6

FOR: Wan Laymon

COMPANY: Patent and Trademark Office

FAX NO.: (703) 308-6916

PHONE:

ORIGINAL WILL FOLLOW BY:

- ☐ REGULAR MAIL  
☐ OVERNIGHT MAIL  
☐ COURIER  
☒ WILL NOT FOLLOW

FROM: Stephanie M. Cason, Paralegal

Please let us know by phone or fax if you do not receive any of these pages.

## COMMENTS:

*Dear Ms. Laymon,*

*Pursuant to your request attached are copies of the letters referenced in Steve Sarussi's declaration. If you have any questions please do not hesitate to contact me at (314) 726-7509.*

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## \*\*\* NOTICE \*\*\*

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Feb-04-02 11:02am

From PHARMACIA INT DEPT CHICAGO

T-111 P 02/02 F-048 #6

**PHARMACIA**David B. Bourmier  
Patent SolicitorPharmacia Corporation  
5200 Ole Orchard Dr.  
Stoughton, IL 60077  
tel 847 581 5144  
fax 847 581 6521  
david.bourmier@pharmacia.com  
www.pharmacia.com

August 13, 2001

Mr. Subhash Desai  
2342 Hunnington Lakes Drive  
Libertyville, IL 60048

Dear Mr. Desai:

This letter is a follow-up to our letter dated June 22, 2001 (received by you on June 28, 2001), requesting you to sign (with notary) and date the enclosed oath, declaration and power of attorney pertaining to attached U.S. Patent Application Serial No. 09/874,504 entitled, Cyclooxygenase-2 inhibitor compositions having rapid onset of therapeutic effect.

Upon information and belief, this letter also serves as a reminder of your duty to assign all inventions made within the scope of your prior employment to Pharmacia Corporation.

Please note that the requested return date for these documents was July 13, 2001, and the deadline for submission is now upon us. Please review the enclosed copy of U.S. Patent Application Serial No. 09/874,504 and return to my attention signed copies of the enclosed oath and declaration as soon as possible. If you have any questions, please call me at 847-581-5144. Thank you, in advance, for your cooperation.

Sincerely,

David B. Bourmier

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Enclosures

September 4<sup>th</sup>, 2001

Karen King  
Corporate Patent Dept.  
Pharmacia  
5200 Old Orchard Rd.  
Skokie, IL 60077

VIA FACSIMILE 847-581-6881 (Confirmation by First Class Mail)

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CC: [REDACTED] Via Facsimile 312-913-0002

FEB 26 2002

Re: Case Nos. 3272/1/US; 3267/1/US; 3273/1/US; and 3280/3/US

PETITIONS OFFICE

Dear Karen:

Pursuant to my letter dated August 29<sup>th</sup>, 2001, I received a phone call from Steven J. Sarussi indicating that he and John McDonnell wanted to discuss the case with me. I agreed to the teleconference set for 1PM on August 30<sup>th</sup>. However due to John's busy schedule, this teleconference did not take place.

I received a FedEx dated August 29<sup>th</sup>, 2001 on August 30<sup>th</sup>, 2001 from Steven J. Sarussi requesting me to sign documents for the above referenced cases. In addition, he indicated in his letter that I am unlikely to sign those documents. This is very upsetting. As I clarified in my letter of August 29<sup>th</sup>, 2001, I have signed documents for Pharmacia upon multiple requests, including a request from Steven for Eplerenone (Case 3287/1/US), where I signed the power of attorney to Pharmacia. This letter from Steven implies that I am not going to sign any other documents. This is not true. If the firm of McDonnell Boehnen Hulbert & Berghoff is giving you that impression, please let me assure you that this is not correct. I am disputing this fact and I have never said I am unwilling to sign.

He also indicated in the same letter that Pharmacia has no obligation to pay me for executing these documents. I have been requesting a copy of my agreement with Pharmacia to resolve this issue, and to this date, have not received anything. Please send me a copy as soon as possible so that I understand what my obligations are to Pharmacia. Although the letter from Steven implies about my employment agreement, I have not received any absolute evidence of such an agreement. Receipt of such an agreement may resolve the issues that are outstanding.

I have been reviewing the above referenced applications and have made considerable progress in my review. I have the following questions for case 3267/1/US (Cyclooxygenase-2 Inhibitor Compositions having Rapid Onset of Therapeutic Effect):

- (1) Inventorship - In the specifications received from Pharmacia from David Fournier, Mr. Fred Hassan (CEO of Pharmacia) and James Forbes (patent attorney) were listed as co-inventors. I had asked for clarification of their inventorship earlier and did not receive any reply. In the latest request of Steven Sarussi

(August 29<sup>th</sup>, 2001), both Mr. Fred Hassan and James Forbes names have been dropped. In addition, I do not understand the inventions of Michael Hageman and Royal Haskell. Please clarify who the inventors are and what inventions have been created since the multiple versions of the specifications are causing confusion.

- (2) Claims – For this case 3267/1/US, the total claims listed in one version of the specification I have are 34 in number, while another specification received from David Fornier have 58 total claims. Please clarify which specification I am asked to sign my power of attorney and assignment for and why. How do these differ from the earlier applications filed?

I am continuing to review the other cases (3272/1/US; 3273/1/US; 3280/3/US) while I await a response to the above questions for case 3267/1/US. Please let me know if any of these other cases has a priority so that I can review them first. Please reply to my questions at the earliest so that I can sign the documents as soon as possible. In addition, please send me copy of my agreement with Pharmacia so that it clarifies for me what my obligations for Pharmacia are.

Please let me know if there are any other questions and I'll be happy to assist. I look forward to your response.

Sincerely,

  
Subhash Desai, Ph.D., MBA

1011 Greenwood Ave

Wilmette, IL 60091

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January 31, 2002

Via Facsimile & First Class Mail

Steven Sarussi  
Attorney  
McDonnell Boehnen Hulbert & Berghoff  
300 South Wacker Drive  
Chicago, IL 60606

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FEB 26 2002

PETITIONS OFFICE

RE: Case 3267

Dear Steve:


I received a package by courier on the evening of January 30<sup>th</sup>, 2002 requesting me to respond by Friday February 1<sup>st</sup> for power of attorney for 3 documents related to case 3267 (COA, COB & USC). Previously, you had asked for review of 3267/2/US and I indicated to you that I did not have a copy of this particular case. I have the 3267/1/US which I reviewed and asked for clarification on inventors.

I have to date, not received any written explanations of the new inventors added to this case as I had requested in my letters dated September 12<sup>th</sup>, 2001 and September 4<sup>th</sup>, 2001. Specifically, the inventions of Pharmacia CEO Fred Hassan, and James Forbes. In addition, the inventor ship of Royal Haskell to this case is also not clear.

Please let me know in writing why there are differences in inventors for these different cases (COA, COB, & USC) if it is identical to 3267/1/US that you had sent to me before.

I will continue to review these documents while I wait for your response on the inventors. Please note that while you have a deadline, I have indicated to you that I will try my best. I have been traveling on business and was called for jury duty this past week and have to catch up with my work. Hence Pharmacia cannot expect me to drop everything and respond by your deadlines. I need sufficient advance notification for review. I cannot sign an oath without review. I take offense to the constant phone messages and threats of lawsuits if I don't sign.

Sincerely,

  
Subhash Desai Ph.D, MBA  
1011 Greenwood Avenue  
Wilmette, IL 60091



McDonnell Boehnen Hulbert & Berghoff  
Law Offices

300 South Wacker Drive  
Chicago, Illinois 60605-6709  
www.mbhblaw.com

312 913 0001 phone  
312 913 0002 fax

February 1, 2002

**VIA FACSIMILE  
CONFIRMATION BY MAIL**

Subhash Desai, Ph.D., MBA  
Baxter  
Route 120 & Wilson Road  
Round Lake, Illinois 60073

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PETITIONS OFFICE

Re: Pharmacia No. 3267 Series

Dear Subhash:

You have requested an explanation regarding the naming of certain inventors to applications in the above-identified patent application family.

It is my understanding that Fred Hassan and James Forbes were named as inventors on the 3267/2/US application because they contributed the use of caffeine in the compositions and methods. In this regard, your attention is directed to claim 1 of the 3267/2/US application. Also, for your reference, the 3267/2/US application corresponds to attorney docket nos. 6794S-000005/US/COA and 6794S-000005/US/COB. I.e., these latter cases are the 3267/2/US case.

With respect to naming Royal Haskell as an inventor in the applications, it is my understanding that his contribution related to reducing the invention to practice. In addition, it is my understanding that he identified a specific range for the particles, i.e., 450-1000 nanometers.

Please let me know if you need further information.

Very truly yours,

  
Steven J. Sarussi

SJS:nbo